

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

WESTCHESTER PUTNAM COUNTIES  
HEAVY & HIGHWAY LABORERS  
LOCAL 60 BENEFITS FUND, Individually  
and on behalf of all others similarly situated,

Plaintiff,

vs.

ATKORE INC., WILLIAM E. WALTZ JR.,  
JOHN M. DEITZER, and DAVID P.  
JOHNSON,

Defendants.

Case No. 1:25-cv-01851

Honorable John J. Tharp, Jr.

KING P. COLES, II, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

ATKORE, INC., WILLIAM E. WALTZ,  
DAVID P. JOHNSON, and JOHN M.  
DEITZER,

Defendants.

Case No. 1:25-cv-02686

Honorable John F. Kness

**MOTION OF NYKREDIT PORTEFØLJE ADMINISTRATION A/S FOR  
APPOINTMENT AS LEAD PLAINTIFF, APPROVAL OF ITS SELECTION  
OF LEAD COUNSEL, AND CONSOLIDATION OF RELATED ACTIONS**

Nykredit Portefølje Administration A/S (“Nykredit”) respectfully moves this Court, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), for the entry of an order: (1) appointing Nykredit as Lead Plaintiff in the above-captioned related securities class actions (the “Actions”); (2) approving Nykredit’s selection of Bernstein Litowitz Berger & Grossmann LLP (“Bernstein Litowitz”) as Lead Counsel for the Class; (3) consolidating the Actions pursuant to Rule 42(a) of the Federal Rules of Civil Procedure (“Rule 42(a)”; and (4) granting any further relief as the Court may deem just and proper.<sup>1</sup>

This Motion is made on the grounds that Nykredit believes it is the “most adequate plaintiff” under the PSLRA and should, therefore, be appointed Lead Plaintiff. Specifically, Nykredit believes that it has the “largest financial interest” in the relief sought by the Class in this action by virtue of, among other things, the loss of over \$11.6 million that it incurred on its purchases of 133,632 shares of Atkore Inc. common stock between August 2, 2022, and February 3, 2025, inclusive. Nykredit also satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure because its claims are typical of other Class members’ claims and because it will fairly and adequately represent the interests of the Class. Moreover, Nykredit is a paradigmatic Lead Plaintiff under the PSLRA because it is a sophisticated institutional investor with a substantial financial stake in the litigation, which guarantees effective monitoring and supervision of counsel.

Nykredit respectfully requests oral argument.

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<sup>1</sup> Due to the statutory nature of the PSLRA’s lead plaintiff application process and deadline, it was not possible for Nykredit’s counsel to confer with opposing movants regarding a briefing schedule as contemplated by this Court’s Case Procedures for Motion Practice. Accordingly, Nykredit respectfully requests relief from this requirement and asks the Court to enter a briefing schedule for any competing motions for appointment as Lead Plaintiff that are timely filed in the Actions.

This Motion is supported by the accompanying Memorandum of Law, the Declaration of Avi Josefson and exhibits annexed thereto, the pleadings and other filings herein, and such other written or oral argument as may be permitted by the Court.

WHEREFORE, Nykredit respectfully requests that the Court: (1) appoint Nykredit as Lead Plaintiff; (2) approve its selection of Bernstein Litowitz as Lead Counsel for the Class; (3) consolidate the Actions pursuant to Rule 42(a); and (4) grant any further relief as the Court may deem just and proper.

Dated: April 23, 2025

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**

/s/ Avi Josefson

Avi Josefson (Bar No. 6272453)  
875 North Michigan Avenue, Suite 3100  
Chicago, Illinois 60611  
Telephone: (312) 373-3880  
Facsimile: (312) 794-7801  
avi@blbglaw.com

-and-

Jeroen van Kwawegen  
Scott R. Foglietta  
1251 Avenue of the Americas  
New York, New York 10020  
Telephone: (212) 554-1400  
Facsimile: (212) 554-1444  
jeroen@blbglaw.com  
scott.foglietta@blbglaw.com

*Counsel for Proposed Lead Plaintiff Nykredit  
Portefølje Administration A/S and Proposed  
Lead Counsel for the Class*